

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Date: May 13, 2002
J. Metternich et al; : Group Art Unit No.: 2681
Serial No.: 09/176,012 : Examiner: T. Davis
Filed: 10/20/1998 : IBM Corporation
: PC Company Legal Dept.
For: METHOD FOR CALLING UP USER- : 9CCA/002-2
SPECIFIED INFORMATION USING A : P. O. Box 12195
MOBILE TELEPHONE : 3039 Cornwallis Road
: Research Triangle Park, NC 27709

Official

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION—37 C.F.R. 1.192)

1. Transmitted herewith, in triplicate, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on March 13, 2002.

2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. 1.17(c), the fee for filing the Appeal Brief is:

Other than a small entity	\$310.00
Appeal Brief fee due	\$ 310.00

4. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of time is required. However, this conditional

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petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is: \$310.00

Appeal brief fee \$ 310.00

Extension fee (if any) \$0.00

TOTAL FEE DUE \$310.00

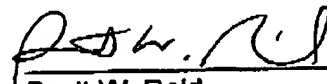
6. FEE PAYMENT

Charge Account No. 09-1990 the sum of \$310.00
A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 09-1990. If any additional fee for claims is required, charge Account No. 09-1990.

Respectfully submitted,



Scott W. Reid
Registration No. 42,098
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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.
Date: May 13, 2002

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature


Signature

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**International Business Machines Corporation
Intellectual Property Law Department**



TELEFAX TRANSMISSION

DATE:

May 29, 2002

TRANSMITTED TO:

Official

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TAMIKA DAVIS (EXAMINER)

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703-872-9314

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Re-fax of pages 1 & 2

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Intellectual Property Law Department**



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Date: 13 May 2002
J. Metternich et al.	:	Group Art Unit: 2681
Serial Number: 09/176,012	:	Examiner: T. Davis
Filed: 20 October 1998	:	INTERNATIONAL BUSINESS MACHINES CORPORATION
Title: Method for Calling Up	:	IP Law Department
User-Specified Information	:	Dept. 9CCA / B-002/2
Using a Mobile Telephone	:	P.O. Box 12195
	:	Research Triangle Park, NC 27709

Brief on Appeal

The Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

- (1) The real party in interest in this application is International Business Machines Corporation of Armonk, NY.
- (2) There are no related appeals or interferences.
- (3) Application claim 1 is an independent claim to a method and stands under Final Rejection which has been appealed.

Application claim 2 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 3 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 4 depends from application claim 1, and stands under Final Rejection which has been appealed.

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Application claim 5 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 6 depends from application claim 2, and stands under Final Rejection which has been appealed.

Application claim 7 depends from application claim 2, and stands under Final Rejection which has been appealed.

Application claim 8 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 9 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 10 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 11 has been canceled from the application.

Application claim 12 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 13 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 14 depends from application claim 1, and stands under Final Rejection which has been appealed.

Application claim 15 is an independent claim to a method and stands under Final Rejection which has been appealed.

Application claim 16 depends from application claim 15, and stands under Final Rejection which has been appealed.

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Application claim 17 depends from application claim 15, and stands under Final Rejection which has been appealed.

Application claim 18 depends from application claim 15, and stands under Final Rejection which has been appealed.

Application claim 19 depends from application claim 15, and stands under Final Rejection which has been appealed.

Application claim 20 depends from application claim 16, and stands under Final Rejection which has been appealed.

Application claim 21 depends from application claim 16, and stands under Final Rejection which has been appealed.

Application claim 22 depends from application claim 15, and stands under Final Rejection which has been appealed.

Application claim 23 is an independent claim to a method and stands under Final Rejection which has been appealed.

Application claim 24 depends from application claim 23, and stands under Final Rejection which has been appealed.

Application claim 25 depends from application claim 23, and stands under Final Rejection which has been appealed.

Application claim 26 has been canceled from the application.

Application claim 27 depends from application claim 23, and stands under Final Rejection which has been appealed.

Application claim 28 depends from application claim 23, and stands under Final Rejection which has been appealed.

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Application claim 29 depends from application claim 23, and stands under Final Rejection which has been appealed.

(4) There are no unentered amendments.

(5) As described in the present specification beginning on page 1 at line 11, prior to the presentation of the present invention, there were available three different methods for retrieving information using a mobile phone and SMS. These three methods consist essentially of:

(a) entering precise information parameters such as an account number, the information required and a PIN number for authorization. This method can require the entry of a very large number of keys because account numbers and data descriptions are typically quite long and complex.

(b) entering a brief (or abbreviated) command from a set of such abbreviated commands provided to all users by the information provider. Here only the command is abbreviated and the other complex information, account number, data description, etc., still have to be entered.

(c) entering an abbreviated command provided individually to a user by the information provider. This method can make it simpler for the user to retrieve the necessary information but requires the information provider to produce and manage a large quantity of data - a set of individualized abbreviated commands for each user.

As mentioned in the present specification beginning on page 2 at line 14, other solutions to this problem require special modifications or capabilities of the mobile telephone.

As a result, the present invention attempts to provide a solution which does not require special capabilities of the mobile phone, which does not require the user

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to know any commands predetermined by the information provider and which does not require any additional data management by the information provider.

In accordance with the present invention, as described in the present specification starting on page 5 at line 5, the user connects to the information provider's system using a data-processing device such as a PC 103 in Fig. 1. The connection as shown is via the internet but may be over any suitable data connection. Using this connection, the user produces one or more inquiry profiles defining information to be retrieved. Each inquiry profile includes a corresponding short command by which the inquiry profile will be accessed. Each inquiry profile will typically also include, as a security measure, a mobile phone number from which the inquiry profile may be retrieved. Further security measures, such as an associated PIN number, may also be defined. The defined inquiry profiles are sent to the information provider's system where they are stored for later use in retrieving the desired information.

Importantly, as shown in Fig. 1 and as stated or implied in the specification's description of the various embodiments of the present invention on pages 4 and 5, the connection over which the user defines and sends the inquiry profile(s) is separate and distinct from the mobile telephone connection over which the inquiry profile(s) are later retrieved. The creation of the inquiry profiles is separated from their use by time, access method and location. The present specification, at page 5, line 12, contemplates the user utilizing methods and techniques common on the internet to simplify the creation and sending of the inquiry profiles.

Other embodiments of the invention, described starting on page 5 at line 23, include (1) the user utilizing a 'call center' and interaction with a voice menu or a human operator to create the inquiry profiles, (2) the user using a modem to connect to the information provider's system via the telephone network - which is simply an alternate connection through the internet, and (3) the user communicating the inquiry profile(s) and associated command(s) to the

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information provider via some independent method like fax or letter, where the information provider would then be responsible for actually entering the inquiry profiles into the system.

The present invention, in each of these embodiments, allows the inquiry profiles to be defined and sent whether or not the user has access to the mobile phone intended to be used to retrieve the information. The inquiry profiles can be defined and sent when the mobile phone system is inoperative or unavailable.

As described in the present specification on page 7 at line 2, in order to utilize one of the defined inquiry profiles to retrieve information, the user places an information call to the information provider's system, where the information call contains one of the defined brief commands. The information provider's system examines the brief command and, if it is recognized and if the calling number matches the defined phone number, the specified information is retrieved and sent to the mobile telephone for presentation to the user. Such presentation can either be visual via the mobile telephone's display, or acoustic.

(6) The issues presented on appeal are:

(i) Whether independent method claim 1 is rendered obvious by the combined references of United States Patent #5,875,405 to Honda ("Honda") and United States Patent #6,112,078 to Sormunen et al ("Sormunen").

(ii) Whether dependent claim 2 which further defines the step of the method defined by claim 1 for sending the query profile to an information supplier is rendered obvious by the combination of Honda and Sormunen.

(iii) Whether dependent claim 3 which further defines the step of the method defined by claim 1 for preparing the query profile is anticipated by the combination of Honda and Sormunen, including figure 1 of Honda.

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(iv) Whether dependent claim 4 which further defines the information call sent according to the method of claim 1 is rendered obvious by the combination of Honda, Sormunen and well known prior art.

(v) Whether dependent claim 5 which further defines the information call sent according to the method of claim 1 is rendered obvious by the combination of Honda, Sormunen and well known prior art.

(vi) Whether dependent claim 6 which further defines the data link recited by claim 2 is rendered obvious by the combination of Honda and Sormunen, including figure 1 of Honda.

(vii) Whether dependent claim 7 which further defines the data link recited by claim 2 is rendered obvious by the combination of Honda and Sormunen, including column 4, lines 4-11 of Sormunen.

(viii) Whether dependent claim 8 which further defines the step of the method of claim 1 for producing the query profile is rendered obvious by the combination of Honda, Sormunen and well known prior art.

(ix) Whether dependent claim 9 which further defines the step of the method defined by claim 1 for placing an information call is rendered obvious by the combination of Honda and Sormunen, including column 3, lines 54-62 of Sormunen.

(x) Whether dependent claim 10 which further defines the steps of the method defined by claim 1 for processing the received information call is rendered obvious by the combination of Honda and Sormunen, including column 5, lines 19-55 of Honda.

(xi) Whether dependent claim 12 which further defines the step of the method defined by claim 1 for sending the retrieved information is rendered

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obvious by the combination of Honda and Sormunen, including column 5, lines 50 - 58 of Honda.

(xii) Whether dependent claim 13 which further defines the step of the method defined by claim 1 for sending the retrieved information is rendered obvious by the combination of Honda, Sormunen and well known prior art.

(xiii) Whether dependent claim 14 which further defines the step of the method defined by claim 1 for presenting the retrieved information via the user's mobile telephone is rendered obvious by the combination of Honda and Sormunen, including column 4, lines 33 - 39 of Sormunen.

(xiv) Whether independent method claim 15 is anticipated by the disclosure appearing in column 4, lines 2 - 30 and in figure 1 of United States Patent #5,875,405 to Honda.

(xv) Whether dependent claim 16 which further defines the step of the method defined by claim 15 for sending the query profile to an information provider is anticipated by Honda, including figures 1 and 6.

(xvi) Whether dependent claim 17 which further defines the step of the method defined by claim 15 for preparing the query profile is anticipated by figure 1 of Honda.

(xvii) Whether dependent claim 18 which further defines the information call sent according to the method of claim 15 is rendered obvious by the combination of Honda and well known prior art.

(xviii) Whether dependent claim 19 which further defines the information call sent according to the method of claim 15 is rendered obvious by the combination of Honda and well known prior art.

(xix) Whether dependent claim 20 which further defines the data link recited by claim 16 is anticipated by figure 1 of Honda.

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(xx) Whether dependent claim 21 which further defines the data link recited by claim 16 is rendered obvious by the combination of Honda and Sormunen, including column 4, lines 4-11 of Sormunen.

(xxi) Whether dependent claim 22 which further defines the step of the method of claim 16 for producing the query profile is rendered obvious by the combination of Honda, Sormunen and well known prior art, including column 2, lines 32-49 and column 4, lines 4-11 of Sormunen.

(xxii) Whether independent method claim 23 is rendered obvious by the combination of Honda and Sormunen, including column 4, lines 15 - 58 of Honda and column 4, lines 33 - 39 of Sormunen.

(xxiii) Whether dependent claim 24 which further defines the step of the method defined by claim 23 for placing an information call is rendered obvious by the combination of Honda and Sormunen, including column 3, lines 54-62 of Sormunen.

(xxiv) Whether dependent claim 25 which further defines the steps of the method defined by claim 23 for processing the received information call is rendered obvious by the combination of Honda and Sormunen, including column 5, lines 19-55 of Honda.

(xxv) Whether dependent claim 27 which further defines the step of the method defined by claim 23 for sending the retrieved information is rendered obvious by the combination of Honda and Sormunen, including column 5, lines 50 - 58 of Honda.

(xxvi) Whether dependent claim 28 which further defines the step of the method defined by claim 23 for sending the retrieved information is rendered obvious by the combination of Honda, Sormunen and well known prior art.

(xxvii) Whether dependent claim 29 which further defines the step of the method defined by claim 23 for presenting the retrieved information via the user's

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mobile telephone is rendered obvious by the combination of Honda and Sormunen, including column 4, lines 33 - 39 of Sormunen.

(7) It is the position of the applicants that each independent claim in the application, claims 1, 15 and 23, stands on its own merits for consideration of review of the Final Rejection. Except where discussed separately below, dependent claims may be grouped with their respective independent claim.

(8) Rejections under 35 U.S.C. 102(e). Claims 15 - 17 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Honda, U.S. Patent No. 5,875,405. It is the general position of the applicants that the Examiner has failed to make out a *prima facie* case of anticipation with respect to any of these claims and that the claims presented should be found allowable for that reason.

In order for an anticipation rejection under 35 USC 102 to be proper, each and every element recited in the application claims, whether process step or apparatus component, must be found, either explicitly or implicitly, within the four corners of the single reference applied. As will be shown in the discussion to follow, Honda fails to teach key elements of claim 15, the independent claim from which claims 16, 17 and 20 depend.

The Examiner in making the rejection here appealed from relies upon the discussion at column 4, lines 2-8 and 12 - 30 and Figure 1 of the reference. In the referenced text, Honda describes a user defining a series of "speed-dial" numbers on a mobile phone - that is, phone numbers which are associated with an abbreviated symbol, typically one number on the phone, and which can then be dialed by pressing the one number. At column 4, line 13, the reference states that the user "operates the numeric keypad" of the mobile phone "to input an abbreviated number and the corresponding authorized ID number..." The description goes on to state that the records so entered are "registered into the ADR table", the ADR Table being the "abbreviated dialing registration" table

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which is stored in the memory of the mobile phone (208 in Fig. 1 of Honda). The Examiner relies upon this description in stating that Honda discloses

“using a user data processing system to prepare a query profile, having an associated brief command and at least one information requirement, where the brief command can be produced using the keypad of a mobile telephone”,

the first main element of the method defined in the present claim 15. In fact, the referenced passages from Honda do not disclose this element of claim 15 for at least two main reasons.

First, claim 15 contemplates the preparation of a ‘query profile’ - that is, a description of information to be retrieved. The implication being that the information exists independently of the query. A typical situation is given as an example in the present specification on page 7 at line 21 - a user specifies a brief command to retrieve an account balance from a banking system. On page 8 at line 3 another example is given whereby a user specifies an inquiry profile which retrieves the most recent stock price for IBM stock. This implication is referred to and enforced in the present specification on page 5 at line 9 where it is stated that “an inquiry profile, which contains the corresponding short command for any information which may be queried” - the important point being that the query profile does not contain the data to be stored, but only a profile of a query to be performed on data existing on the informaton provider’s system. The distinction also appears in the language of claim 15 itself. The query profile is described as containing “at least one information requirement” - an information requirement is different from the information itself.

In contrast, the Honda disclosure describes the definition of pairs of abbreviated dialing commands and associated phone numbers which are stored in the ADR. When the abbreviated dialing command is later entered and sent, the data that is retrieved IS the associated phone number. In other words, Honda does not disclose or contemplate the entering and sending of a query profile at all, but of the actual data (the associated phone number) that is to be later retrieved. This

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distinction is extremely important. The data to be retrieved according to the present invention is information maintained independently of the mobile telephone and of the user - it would be impossible to enter such information as described in the reference - the information would be much too complex, and, since it is maintained independently, it may always be changing. This distinction provides one important advantage for the present application over the reference - that of retrieving independently-maintained information as opposed to information previously prepared and sent to the information provider's system by the user. Such independently-maintained information can be much more interesting than static information prepared by the user - it can represent things like stock quotes, bank account balances and activities, sports scores, etc. These things could never be retrieved using the method disclosed by the reference.

Secondly, claim 15 requires a "user data processing system" be used to prepare the query profile(s) and to send them to the information supplier. This "user data processing system" is separate and distinct from the user's mobile phone. This is made clear by the fact that steps a) and b) of claim 15 are specified as being performed by the "user data processing system" while step c) is specified as being performed by a mobile telephone. The specification discloses and reiterates this distinction. In Fig. 1, two distinct connections into the information provider's system are clearly shown - one from the user data processing system or PC 103 via, for example, the internet, and one from the user's mobile telephone 101. On page 5 of the disclosure, starting at line 7, it is stated that the user connects "to the information provider's computer through a data-processing device and produces an inquiry profile... so that he can conveniently obtain this information in the future through the mobile phone." The disclosure goes on to discuss several methods for actually transmitting the inquiry profiles to the information provider, all of which contemplate a connection separate and distinct from that provided by the user's mobile phone.

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In contrast, the language cited in Honda clearly contemplates the abbreviated dialing numbers and associated phone numbers being entered and sent using the user's mobile phone and the mobile phone connection into the information provider's system. At column 4 of Honda, starting at line 13, "the user of the mobile telephone terminal MT1 operates the numeric keypad of the keypad 209 (ed. the keypad of the mobile phone in Fig. 1) to input an abbreviated number and the corresponding authorized ID number..." Later, at column 4, line 27 it is stated that "the ADR data stored in the ADR table 208 is transferred from the mobile telephone terminal MT1 to the base station 10..." Honda only discloses and contemplates the use of the mobile telephone to produce and send the information to the base station or information provider.

The Examiner relies upon the language from Honda at column 4, lines 27 - 30 quoted above to provide the second main element of claim 15, that of "sending the query profile in accordance with step a) using the user data processing system to an information supplier." As discussed above and as established in the present application in the claims, especially as they must be read in combination with the specification, the "user data processing system" must be separate and distinct from the mobile telephone and must provide a separate and distinct connection into the information provider's system. This configuration provides several advantages not experienced using the system disclosed in Honda. By providing a true user data processing system such as a PC, it is much easier to create, enter and send complex query profiles. The data entry options provided by such a system would clearly be much broader and simpler to use than the small, limited function keypad of a mobile phone. The user data processing system could have a full keyboard, mouse, microphone for voice recognition, etc. The user data processing system, with a separate connection into the information provider's system, could also be available to the user when the mobile telephone system was not - when the user was out of range, when the system was down, when the user's mobile telephone was inoperative or the battery was dead, etc. Under one of the embodiments of the present invention, discussed in the specification on page 6 starting at line 5, the

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user sends the inquiry profile(s) to the information provider using a method, such as fax or letter, totally devoid of any data processing system dependencies at all. In that instance, the "user data processing system" used to create and send the query profile(s) might be a pencil and paper and a fax machine. Such a "user data processing system" would certainly be more flexible and easier to use than a mobile telephone and would be available when the mobile telephone system was not.

Without discussing the remaining elements of application claim 15, it is clear that the reference does not provide, explicitly or implicitly, all of the elements of application claim 15 and that the 35 U.S.C. 102(e) rejection is therefore improper.

Application claim 16 depends from claim 15 and specifies that the query profile is sent from the user processing system over a data link to the information provider's system. This claim distinguishes from the situation mentioned above where, for example, a user might create the query profile(s) and send them to the information provider via fax where they would be entered into the information provider's system. With regards to claim 16, the Examiner states that Honda discloses the sending over a data link and references figures 1 and 6. Data is in fact sent over a data link in Honda, but, as discussed at length above, the data that is being sent (1) is not a query profile but the data to be accessed and (2) is not being sent by a separate user data processing system but from the mobile telephone itself. As claim 16 includes all the elements and requirements of claim 15, the 102(e) rejection is improper.

Application claim 17 depends from claim 15 and requires that the query profile is produced by a speech computer. Since the query profile is produced using a data processing system separate from the mobile phone and is sent to the information provider's system where it is stored and used to retrieve information at a later time, the "speech computer" must be a speech recognition computer which recognizes the user's spoken description of the query profile and translates it into

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computer symbols that can be stored and manipulated by the information provider's system. The Examiner states that Honda "discloses the method in accordance with claim 15 wherein the query profile is produced via a speech computer (i.e. the mobile telephone can be read on as a speech computer since they are known to allow user's to convey information through speech)." This rejection is inapposite since the present application requires speech recognition to translate the query profiles into storable and manipulatable elements, not the conveyance of information through speech. Also, claim 17 includes all the elements and requirements of claim 15 so, as discussed above, the 102(e) rejection is improper.

Application claim 20 depends from claim 16 which depends from claim 15. Claim 20 specifies that the data link of claim 16 is effected through a modem, thus differentiating from the situation where the data link is a direct link. With regards to claim 20, the Examiner references figure 1 of Honda in stating that the method is disclosed in the reference. For the same reasons discussed at length above with reference to claims 15 and 16, this 102(e) rejection is improper.

Rejections under 35 U.S.C. 103(a). Application claims 1-3, 6, 7, 9, 10, 12, 14, 21, 23-25, 27 and 29 stand rejected under 35 U.S.C. 103(a) as unpatentable over the combination of Honda and Sormunen, U.S. Patent No. 6,112,078.

With regards to the method defined in application claim 1, the first element of preparing at least one query profile is essentially identical to the first element of claim 15 already discussed at length above. The Examiner has again relied on the language at column 4, lines 12 - 30 of Honda to provide this element. As discussed above, the reference does not disclose or suggest the claimed element or its advantages. Similarly, the second element of claim 1, that of sending the query profile to the information provider's system using the user data processing system, is essentially identical to the second element of claim 15 already discussed above.

For the reasons given above, the language at column 4, lines 27 - 30 does not disclose the claimed element.

Without addressing the remaining elements of claim 1, including the element for which the Examiner relies on Sormunen, it is clear that the combined references do not provide all of the elements of claim 1. In addition, the missing elements; that of (1) requiring a user data processing system separate and distinct from the mobile telephone with a connection into the information supplier system that is separate from that of the mobile telephone, and (2) producing and sending a query profile that is to be used to retrieve independently-existing information as opposed to producing and sending the information itself - provide significant advantages over the references which have already been discussed, rendering them nonobvious as compared to the references. Among these nonobvious advantages are the ability to retrieve independently-maintained information, the improved ability to enter complex information because a data processing system other than the mobile telephone is used and the ability to create and send query profiles when the mobile telephone system is unavailable.

With regards to independent claim 23, the claim primarily deals with retrieving the stored information using the defined brief command corresponding to the earlier-defined query profile. While the elements discussed by the Examiner in relation to the references are arguably present in the references, the preamble to claim 23 requires elements essentially identical to claims 1 and 15 which have already been discussed. To wit, the preamble states "where a query profile is prepared using a user data processing system..." and "where the query profile specifies at least one information requirement...." Thus, when read in conjunction with the specification and with the other claims, claim 23 includes the elements of (1) requiring a user data processing system separate and distinct from the mobile telephone with a connection into the information supplier system that is separate from that of the mobile telephone, and (2) producing and sending a query profile that is to be used to retrieve independently-existing information as opposed to

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producing and sending the information itself. Therefore, for the reasons discussed at length for claims 1 and 15 above, the 103(a) rejection of this claim is improper.

Application claims 4, 5, 8, 13, 22 and 28 stand rejected under 35 U.S.C. 103(a) as unpatentable over the combination of Honda, Sormunen and well known prior art. Claims 4, 5, 8 and 13 each depends either directly or indirectly from independent claim 1 and thus includes all the elements and limitations of claim 1. As discussed above, the combined references, including the "well known prior art" do not disclose or teach the key elements of claim 1 as discussed above. These missing elements and the advantages provided thereby have been discussed at length above. It having been established that the 103(a) rejection of claim 1 is improper, the 103(a) rejections of these dependent claims are similarly improper.

Claim 22 depends directly from independent claim 15 and claim 28 depends directly from independent claim 23. By the reasoning already discussed for dependent claims 4, 5, 8 and 13 above, and for the reasons discussed at length with reference to independent claims 15 and 23 above, the 103(a) rejections of claims 22 and 28 are improper.

Application claims 18 and 19 stand rejected under 35 U.S.C. 103(a) as unpatentable over the combination of Honda and well known prior art. Claims 18 and 19 both depend directly from independent claim 15. By the reasoning already discussed for dependent claims 4, 5, 8 and 13 above, and for the reasons discussed at length with reference to independent claim 15 above, the 103(a) rejections of claims 18 and 19 are improper.

As has been shown above, Honda, Sormunen and well known prior art, the references relied upon by the Examiner, alone or in various combinations, in rejecting all of the claims hereunder, fail entirely to teach, suggest or show all of the elements of the claims at issue.

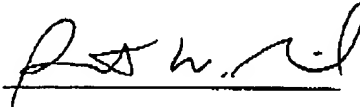
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This brief is being filed in triplicate and accompanied by the necessary
Appendix. The fees associated with the appeal are to be charged to Deposit
Account 09-1990 of applicants' assignee.

Respectfully submitted,

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APPENDIX

1 1. (Amended) A method for defining and later retrieving user-specified information
2 by means of a mobile telephone, comprising the following steps:

3
4 a) using a user data processing system to prepare at least one query profile
5 where each query profile has at least one information requirement and an
6 associated brief command and where each brief command can be
7 specified using the keypad of a mobile telephone;

8
9 b) sending the query profile using the user data-processing system to an
10 information supplier;

11
12 c) sending an information call using a mobile telephone to the information
13 supplier containing at least one of the brief commands;

14
15 d) comparing the brief command sent in accordance with step c) with the
16 brief commands of the query profiles prepared and sent in accordance
17 with steps a and b);

18
19 e) putting together the information of the information requirements contained
20 in the associated query profile in the event of agreement in accordance
21 with step d);

22

23

f) sending the collected information to the mobile telephone; and

24

25

g) presenting the information to a user of the mobile telephone by way of the
mobile telephone.

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1 2. (Amended) The method in accordance with Claim 1 characterized in that step b)
2 takes place via a data link between the user data-processing system and an
3 information supplier data-processing system.

1 3. The method in accordance with Claim 1 characterized in that the query profile is
2 produced by a speech computer.

1 4. (Amended) The method in accordance with Claim 1 characterized in that the
2 information call is sent with a PIN, where the PIN establishes entitlement to call
3 up the specified information.

1 5. (Amended) The method in accordance with Claim 1 characterized in that the
2 information call is sent with a telephone number of the caller, where the
3 telephone number establishes entitlement to call for the information.

- 1 6. (Amended) The method in accordance with Claim 2 characterized in that the
2 data link is effected through a modem to the information supplier data-
3 processing system.
- 1 7. (Amended) The method in accordance with Claim 2 characterized in that the
2 data link is effected through the Internet to the information supplier data
3 processing system.
- 1 8. (Amended) The method in accordance with Claim 1, comprising the further step:
2
3 downloading JAVA applets, stored on a server of the information supplier
4 through the Internet to the user data processing system; and
5
6 preparing the query profile in accordance with step a) by means of the JAVA
7 applets.
- 1 9. (Amended) The method in accordance with Claim 1 characterized in that step c)
2 is effected through a SMS of the mobile telephone.
- 1 10. (Amended) The method in accordance with Claim 1 characterized in that steps
2 d) through f) are each effected through one of the information supplier's

3 programs.

1 12. (Amended) The method in accordance with Claim 1 characterized in that
2 sending, in accordance with step f), is effected via another mobile telephone.

1 13. (Amended) The method in accordance with Claim 1 characterized in that
2 sending in accordance with step f) is effected first via a data link to a mobile
3 radio network operator and then via a telephone network to the mobile
4 telephone.

1 14. (Amended) The method in accordance with Claim 1 characterized in that the
2 information, in accordance with step g), is presented visually or acoustically.

1 15. (Amended) A method for producing a user-specified information requirement
2 which can be accessed via SMS messages of a mobile telephone, comprising
3 the following steps:

4
5 a) using a user data processing system to prepare a query profile, having an
6 associated brief command and at least one information requirement,
7 where the brief command can be produced using the keypad of a mobile
8 telephone;

9

- 10 b) sending the query profile in accordance with step a) using the user data-
11 processing system to an information supplier; and
12
13 c) storing the query profile at the information provider on an information
14 supplier data-processing system which can communicate with a telephone
15 network of the mobile telephone.

1 16. (Amended) The method in accordance with Claim 15 characterized in that step
2 b) is effected over a data link between the user data-processing system and the
3 information supplier data-processing system.

1 17. (Amended) The method in accordance with Claim 15 characterized in that the
2 query profile is produced via a speech computer.

1 18. (Amended) The method in accordance with Claim 15 characterized in that the
2 call for information is sent with a PIN where the PIN establishes entitlement to
3 call for the specified information.

1 19. (Amended) The method in accordance with Claim 15 characterized in that the
2 call for information is sent with the a telephone number of the caller, where the
3 telephone number establishes entitlement to call for the information.

1 20. (Amended) The method in accordance with Claim 16 characterized in that the
2 data link is effected through a modem to the information supplier data
3 processing system.

1 21. (Amended) The method in accordance with Claim 16 characterized in that the
2 data link is effected through the Internet to the information supplier data
3 processing system.

1 22. (Amended) The method in accordance with Claim 15 comprising the further
2 steps:
3 downloading JAVA applets, stored on a server of the information supplier
4 through the Internet to the user data processing system; and
5 preparing the query profile in accordance with step a) by means of the JAVA
6 applets.

1 23. (Amended) A method for calling up information via a mobile telephone where a
2 query profile is prepared using a user data-processing system and deposited with an
3 information provider, where the query profile specifies at least one information
4 requirement and with which query profile a brief command is associated for its

5 identification, comprising the following steps:

- 6
- 7 a) sending a call for information by means of the mobile telephone to the
- 8 information provider containing at least the brief command;
- 9
- 10 b) comparing the sent brief command with the brief command of the query
- 11 profile;
- 12
- 13 c) putting together the desired information of the at least one information
- 14 requirement of the query profile in the event of agreement in accordance
- 15 with step b);
- 16
- 17 d) sending the collected information to the mobile telephone; and
- 18
- 19 e) presenting the information to a user of the mobile telephone via the
- mobile telephone.

1 24. The method in accordance with Claim 23 characterized in that step a) is effected

2 via SMS of the mobile telephone.

1 25. The method in accordance with Claim 23 characterized in that steps b) through

2 d) are effected through a program of the information provider.

1 27. (Amended) The method in accordance with Claim 23 characterized in that the
2 transmission in accordance with step d) is effected via another mobile
3 telephone.

1 28. (Amended) The method in accordance with Claim 23 characterized in that the
2 transmission in accordance with step d) is effected first via a data link to a mobile radio
3 network operator and then via a telephone network to the mobile telephone.

1 29. (Amended) The method in accordance with Claim 23 characterized in that the
2 information in accordance with step e) is presented either visually or
3 acoustically.